

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|------------------|---|---------------------------|
| JEREMY STREEVAL, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:17-cv-04507-TWP-MJD |
| |) | |
| JOHN DOE, |) | |
| |) | |
| Defendant. |) | |

**Entry Granting Motion to Proceed *in forma pauperis*,
Discussing Complaint, and Directing Further Proceedings**

I.

The plaintiff's motion to proceed *in forma pauperis*, dkt. [4], is **granted**. The assessment of an initial partial filing fee is not feasible at this time.

II.

The plaintiff's complaint is now subject to the screening requirement of 28 U.S.C. § 1915(e)(2)(B). This statute provides that a court shall dismiss a case at any time if the court determines that the action (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.

The plaintiff alleges that members of the Columbus Police Department "Swat Team" exercised excessive force against him. But claims against all unknown John Doe defendants must be **dismissed for failure to state a claim upon which relief can be granted** because "it is pointless to include [an] anonymous defendant in federal court; this type of placeholder does

not open the door to relation back under Fed.R.Civ.P. 15, nor can it otherwise help the plaintiff.” *Wudtke v. Davel*, 128 F.3d 1057, 1060 (7th Cir. 1997) (internal citations omitted).

The plaintiff will be permitted a period of time in which to conduct discovery to learn the identity of the police officers who are properly identified as defendants in this action. This shall proceed as follows: Process will issue to Chief Jonathan Rohde, in his official capacity only, for the purpose of permitting him to appear in the action and respond to discovery regarding the identity of police officers who could be properly named as defendants in this action. The **clerk shall add** Chief Rohde as an interested party and is **designated**, pursuant to Fed. R. Civ. P. 4(c)(3), to issue and serve process on Chief Rohde in the manner specified by Fed. R. Civ. P. 4(d)(1). Process in this case shall consist of the complaint, applicable forms and this Entry. Chief Rohde need not answer the allegations of the complaint, but simply needs to appear in the action. Once Chief Rohde appears in the action, the plaintiff shall have 45 calendar days in which to serve discovery on Chief Rohde. Any such discovery shall be limited in scope to ascertaining the identity of any person who could actually be liable to the plaintiff for the violation of his federally secured rights he alleges. The plaintiff shall have 60 calendar days after Chief Rohde appears in the action in which to file an amended complaint, which will completely replace the original complaint.

The amended complaint, if filed, must conform to the following guidelines: (a) the amended complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief. . . .,” which is sufficient to provide the defendant with “fair notice” of the claim and its basis. *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (per curiam) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and quoting Fed. R. Civ. P. 8(a)(2)); (b) the

amended complaint must include a demand for the relief sought; (c) the amended complaint must identify what legal injury they claim to have suffered and what persons are responsible for each such legal injury; and (d) the amended complaint must include the case number referenced in the caption of this Entry. The plaintiff is further notified that “[u]nrelated claims against different defendants belong in different suits.” *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). If the plaintiff fails to file an amended complaint, this action will be subject to dismissal for failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

Date: 12/28/2017

A handwritten signature in black ink, reading "Tanya Walton Pratt", is positioned above a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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